



Ifw

PATENT

Attorney Docket No. 175931

Date: August 19, 2004

1614

In re Application of: Mitchell et al.

Application No. 09/424,513

Filed: March 3, 2004

For: THE USE OF A NITROXIDE OR A PRODRUG THEREOF IN THE PROPHYLACTIC AND THERAPEUTIC TREATMENT OF CANCER

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a response to an office action in the subject application.

- ☐ Small entity status is claimed for this application under 37 CFR 1.27.
- ☒ Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- ☒ Other: 5 literature articles (Samuni et al., *J. Biol. Chem.*, 263(34): 17921-1724 (1988); Mitchell et al., *Biochemistry*, 29(11): 2802 (1990); Krishna et al., *Proc. Natl. Acad. Sci. U.S.A.*, 89(12): 5537-5541 (1992); Krishna et al., *J. Biol. Chem.*, 271(42): 26026-26031 (1996); and Krishna et al., *J. Med. Chem.*, 41(18): 3477-3492 (1998)) and Return Postcard.
- ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.

					SMALL ENTITY		OTHER THAN A SMALL ENTITY		
TIME EXTENSION PETITION FEE			none		\$ 0.00		\$ 0.00		
		subtract time extension fee previously paid		none	(\$ 0.00)		(\$ 0.00)		
CLAIM FEE		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL		40	MINUS	42	= 0	x 9=	\$	x 18=	\$0.00
INDEPENDENT		3	MINUS	3	= 0	x 43=	\$	x 86=	\$0.00
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM					+ 145=	\$	+ 290=	\$
TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT						TOTAL	\$	TOTAL	\$0.00

- ☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,
 LEYDIG, VOIT & MAYER, LTD.

By 

David J. Schödin, Reg. No. 41,294

Leydig, Voit & Mayer, Ltd.
 Two Prudential Plaza, Suite 4900
 180 North Stetson Avenue
 Chicago, Illinois 60601-6780
 (312) 616-5600 (telephone)
 (312) 616-5700 (facsimile)



PATENT
Attorney Docket No. 175931
DHHS Reference No. E-167-1997/0-US-07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mitchell et al.

Application No. 09/424,519

Art Unit: 1614

Examiner: B. Y. S. Kwon

Filed: March 3, 2000

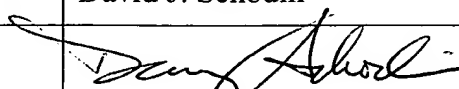
For: THE USE OF A NITROXIDE OR A
PRODRUG THEREOF IN THE
PROPHYLACTIC AND
THERAPEUTIC TREATMENT OF
CANCER

RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated May 20, 2004, please consider the following remarks.

CERTIFICATE OF MAILING UNDER 37 CFR 1.8			
I hereby certify that this Response to Office Action and all accompanying documents are, on the date indicated below, being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Name (Print/Type)	David J. Schodin		
Signature		Date	August 19, 2004